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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,577	11/28/2000	James Mason Lipsit	1999-0074	6094

7590 10/03/2003
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EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,577

Applicant(s)

LIPSIT, JAMES MASON

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-38 and 44-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-36 and 44-57 is/are allowed.
- 6) ☒ Claim(s) 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-16, 39-43, and 58-63 have been canceled. Claims 17-38, 44-57 remain in prosecution.

Information Disclosure Statement

2. The IDS filed 11/28/2000 has been considered and recorded in the file.

Claim Objections

3. Claims 31-32 are objected to because of the following informalities: independent claim 25 directs to an apparatus of computer test station; while dependent claims 31 and 32 include "the steps of" in the preamble which corresponds to method claims. Therefore, the term "the steps of" in the preamble should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Rickli et al. (US 5,481,588).

Regarding claim 37, Rickli teaches a method for use in simultaneously testing a plurality of wireless telephone units operative for wireless communications, the method comprising: receiving first caller identification (ID) information associated with a first wireless unit (col. 7, line 17); performing a first test function during a first time period in connection with the first wireless unit and generating first test data therefrom (col. 7, lines 19-20, connection parameters); storing the first test data in association with the first caller ID information (col. 7, lines 13-14). It is noted that Rickli also teaches that the method also provides the same steps for a second wireless unit (arrangement for all the test mobile units 16, col. 7, lines 27-32).

Regarding claim 38, Rickli also teaches that the first time period overlap with the second time period (see loading, col. 7, line 34).

Allowable Subject Matter

6. Claims 17-36, 44-57 are allowed.

Regarding independent claim 17, Rickli teaches testing the operation of a wireless unit by a computer which includes the steps of a telephone call from the wireless unit, receiving one or more parameters for execution and executing a predetermined test process. Rickli fails to teach receiving signals for selecting one of plurality of test functions and executing the test process corresponding to the selected test function using one or more parameter. Schillaci teaches that a wireless unit selects one or test functions and one or more parameters for executing a predetermined test processed (col. 3, lines 10-24). However, first, Schillaci teaches away from the claimed invention in that the test processed execution is performed at the wireless unit (col. 3, lines 25-30) rather than at the computer. Second, there is no suggestion to provide the selection of

one of plurality of test functions of Schillaci to the testing of Rickli.

Therefore, the claim is allowable over the prior art of record.

Regarding independent claims 25 and 33, the claims are allowable for the same reason as set forth in claim 17.

Regarding independent claim 44, the prior art of record fails to teach the steps of repeating and storing as claimed.

Regarding independent claim 51, the prior art of record fails to teach the steps of repeating and storing as claimed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

 9/24/03
LEE NGUYEN
Primary Examiner
Art Unit 2682